



Senate

General Assembly

File No. 356

January Session, 2007

Substitute Senate Bill No. 1424

Senate, April 5, 2007

The Committee on Environment reported through SEN. FINCH of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE REGULATION OF STORM WATER FILTER TECHNOLOGY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective from passage*) (a) On or before October 1,
- 2 2007, the Commissioner of Environmental Protection shall adopt
- 3 regulations, in accordance with chapter 54 of the general statutes, for
- 4 an approval process of all catch basin filters or other similar filter
- 5 device engineered for storm water filtering and develop criteria for the
- 6 effluent discharged from any catch basin filter or similar filter device
- 7 engineered for storm water filtering. Such regulations shall provide
- 8 that: (1) No such device shall contain moving parts or be powered by
- 9 electricity or fuel; (2) any device shall be certified by an independent
- 10 third party laboratory to have passed TCLP analysis by Method 1131
- 11 in accordance with 40 CFR 261.24; (3) any device that drains to a water
- 12 course or water body that the Department of Environmental Protection
- 13 has identified as having bacterial contamination shall have
- 14 antibacterial properties; and (4) all of the disposable elements of such a

15 device shall be required to meet both state and federal requirements
16 for disposal in landfills or incineration.

17 (b) On or after January 1, 2009, any new construction or expansion
18 of a paved area that exceeds five thousand square feet that collects
19 storm water runoff and discharges to a state or municipal storm water
20 collection system, water body or water course, except an expansion or
21 construction of a municipal or state highway, shall include the
22 installation of a catch basin filter or similar filter device engineered for
23 storm water filtering approved in accordance with subsection (a) of
24 this section.

25 (c) On or after July 1, 2009, any existing maintenance yard, outdoor
26 industrial operation, bus terminal, airport or fueling depot shall install
27 catch basin filters approved by the Department of Environmental
28 Protection in accordance with subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Department of Environmental Protection	GF - Cost	See Below	See Below
Department of Transportation	TF - Cost	See Below	See Below

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact:

Municipalities	Effect	FY 08 \$	FY 09 \$
Various Municipalities	Cost	Potential	Potential

Explanation

It is estimated that the Department of Environmental Protection (DEP) will require additional resources in FY 08 of \$50,000-\$100,000 for a consultant or a full time analyst for ½ a year to develop the regulations required in the bill setting an approval process and developing criteria for this new and relatively untested storm water filter technology. In order to administer the program including instituting an approval process, permitting, analytical work, monitoring discharges, it is estimated that the DEP will require 2 analysts at a cost of approximately \$120,000 plus fringe benefits¹ and associated other expenses of \$5,000.

The cost to the Department of Transportation is anticipated to be

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated first year fringe benefit rate for a new employee as a percentage of average salary is 25.8%, effective July 1, 2006. The first year fringe benefit costs for new positions do not include pension costs. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS 2006-07 fringe benefit rate is 34.4%, which when combined with the non pension fringe benefit rate totals 60.2%.

significant but cannot be determined at this time. These costs would be associated with installation, replacement and the disposal of the filters once filled. The filters need to be inserted into the catch basin at the cost of between \$650/\$1000 per unit. The inspection of the filter twice a year would also be a cost to the department in both dollars and staff time but cannot be determined at this time. The filters will need to be changed in various cycles between 1 to 3 years, dependant upon rainfall, location, and use at the cost of between \$60/\$300 per unit.

Any potential costs to municipalities which would need to install this technology for installation, operation, and maintenance would depend upon how many filters were installed and where they were installed and is indeterminate at this time.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 1424*****AN ACT CONCERNING THE REGULATION OF STORM WATER FILTER TECHNOLOGY.*****SUMMARY:**

This bill requires, by October 1, 2007, the Department of Environmental Protection (DEP) commissioner to (1) adopt regulations for a process to approve the installation of catch basin filters and similar filter devices designed to filter storm water and (2) develop criteria for the effluent such devices discharge.

It requires, starting January 1, 2009, that DEP-approved catch basin filters or similar devices be installed at new construction or paved area expansions of more than 5,000 square feet that discharge storm water runoff to state or municipal storm water collection systems. But it exempts from this requirement municipal and state highway expansion and construction. Starting July 1, 2009, such filters must be installed at all existing maintenance yards, outdoor industrial operations, bus terminals, airports, and fuel depots.

EFFECTIVE DATE: Upon passage

DEP CATCH BASIN FILTER REGULATIONS

The regulations must require that approved catch basin filters:

1. cannot contain moving parts or be powered by electricity or fuel;
2. must be certified by an independent third-party laboratory to have passed Toxicity Characteristic Leaching Procedure analysis by Method 1131, according to federal law; and
3. must have antibacterial properties, if draining to a waterbody DEP has identified as contaminated by bacteria.

In addition, any disposable elements in the device must meet state and federal requirements for disposal in landfills or by incineration.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 25 Nay 5 (03/19/2007)